

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SEP 21 11 26 PM '00

CLE.
WEST.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

ALLIED FEED, INC.

Defendant

§§§
§§§ A00CA10760G
§§§ Civil Action No.
§§§

COMPLAINT AND
JURY TRIAL DEMAND

V-00-111

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of national origin, Hispanic, and retaliation. This action is also being brought to provide appropriate relief to Joe J. Juarez and other similarly situated individuals, who were adversely affected by such practices. The Commission alleges that Joe J. Juarez and other similarly situated individuals were subjected to a hostile work environment on the basis of their national origin, Hispanic, in violation of Section 703(a) of Title VII. The Commission further alleges that Joe J. Juarez was discharged in violation of Section 704(a) of Title VII in retaliation for complaining about the harassment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.
2. The employment practices alleged to be unlawful were and are now being committed

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within the jurisdiction of the United States District Court for the Western District of Texas, San Antonio Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Allied Feed, Inc., ("Allied Feed"), has continuously been a Texas corporation doing business in the State of Texas and the City of Cuero, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Allied Feed has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Joe J. Juarez filed a charge with the Commission alleging violations of Title VII by Defendant Allied Feed. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 1997, Defendant Allied Feed has engaged in unlawful employment practices at its Cuero, Texas, facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) by subjecting Joe J. Juarez and other similarly situated individuals to a hostile work environment on the basis of their national origin, Hispanic.

8. Since at least 1997, Defendant Allied Feed engaged in unlawful employment

practices at its Cuero, Texas facility, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by discharging Joe J. Juarez for engaging in statutorily protected activity when he opposed conduct he believed to be an unlawful employment practice.

9. The effect of the practices complained of in paragraphs 7 and 8 above has been to deprive Joe J. Juarez and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees because of their national origin, Hispanic .

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were and are intentional.

11. The unlawful employment practices complained of in paragraphs 7 and 8 above were and are done with malice or with reckless indifference to the federally protected rights of Joe J. Juarez and other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Allied Feed, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of national origin or retaliation.

B. Order Defendant Allied Feed to institute and carry out policies, practices, and programs which provide equal employment opportunities and a non-hostile work environment for Hispanics and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Allied Feed to make whole Joe J. Juarez and other similarly situated individuals who were adversely affected by the unlawful employment practices described above, by

providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effect of its unlawful employment practices, including, but not limited to reinstatement of or front pay in lieu thereof for Joe J. Juarez and other similarly situated individuals..

D. Order Defendant Allied Feed to make whole Joe J. Juarez and other similarly situated individuals who were adversely affected by the unlawful employment practices described above, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, including, but not limited to, medical and/or insurance expenses and job search expenses, in amounts to be determined at trial.

E. Order Defendant Allied Feed to make whole Joe J. Juarez and other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practice complained of in paragraphs 7 and 8 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Allied Feed to pay Joe J. Juarez and other similarly situated individuals punitive damages for its malicious and reckless conduct as described in paragraphs 7, 8, 9, 10 and 11 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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